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SEP 22 2005

Docket No.: 4006-263

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ching-Hsiang CHAN et al. *et al.*

U.S. Patent Application No. 10/645,616

Filed: August 22, 2003

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Confirmation No. 8269

Group Art Unit: 1733

Examiner: Christopher Schatz

For: METHOD OF FORMING SPACERS ON A SUBSTRATE

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed August 23, 2005, restriction to one of the following species of the claimed invention is required:

Species A: wherein a fluid is used to locate said spacers on said mould.

Species B: wherein a spraying method is used to locate said spacers on said mould.

In response, Applicants hereby elect Species A, upon which claims 1, 2, 4-16, and 18-22 are readable. Claims 1, 4-15, and 18-22 are generic.

The election was made *with traverse* because the Examiner has failed to follow proper USPTO practice and procedure.

Every requirement to restrict has two aspects:

(A) the reasons (as distinguished from the mere statement of conclusion) why the inventions

Application No.: 10/645,616**Docket No.: 4006-263**

as claimed are either independent or distinct; and

(B) the reasons for insisting upon restriction therebetween. See MPEP, section 808 (emphasis added).

In this case, the Examiner has met none of the above requirements. The Examiner's Restriction Requirement is therefore improper and should be withdrawn or at least rephrased.


In view of the above, withdrawal of the Restriction Requirement and consideration of all claims pending in the instant application are believed appropriate and therefore courteously solicited.

Early examination on the merits is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: September 22, 2005

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I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE

ON THE DATE SHOWN BELOW

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9/22/05

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